

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 183 OF 1989

Date of decision: February, 26, 1991.

Jayanarayan Gountia

:Applicants

Versus

Union of India and others

:Respondents.

For the Applicant

: Mr. D.P.Dhalsamant,
Advocate

For the Respondents

: Mr. T.Dahai, Addl.
Standing Counsel (Central)

CORAM:

THE HONOURABLE MR. B.R.PATEL, VICE CHAIRMAN

AND

THE HONOURABLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? *No*.
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

N. SENGUPTA, MEMBER (J),

The applicant was working as Extra Departmental Branch Post Master (EDBPM) of Kutarimal Branch Office in the District of Sambalpur. Charges were framed against the applicant for violation of the rules of Postal Accounts and for not accounting for certain amount received by him in the Accounts maintained in the Post office. Other allegations we need not set out because the case can be disposed of on a short point. An enquiry was made not by the disciplinary authority but by another nominated by the disciplinary authority and the enquiry officer submitted his report to the disciplinary authority. As would be evident on going through Annexure-2, the applicant was not afforded an opportunity to make a representation to the disciplinary authority concerning the findings of the enquiry officer.

the decision
To such a case reported in 1990 (4) Judgments today 456 (Mohd Ramzan Vs. Union of India) would apply. Accordingly the impugned order of removal is quashed and the matter is remitted back to the disciplinary authority. The disciplinary authority, if he so chooses, may proceed with the enquiry or may continue the disciplinary proceeding from the stage just after the submission of the enquiry report. Since a copy of the report of enquiry has already been made available to the applicant, no order regarding to supply of such

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copy need be passed.

2. This case is accordingly disposed of.

No order as to costs.

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K. Mohanty 26.2.71
VICE CHAIRMAN

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K. Mohanty 26.2.71
MEMBER (JUDICIAL)



Central Administrative Tribunal,
Cuttack Bench/K. Mohanty.